IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

WRIT CONTEMPT No. 126 of 2006

DHUDA RAM
V/S
SURENDRA NATH

Mr. MR SINGHVI, for the appellant / petitioner

Mr. RAJESH JOSHI, for the respondent

Date of Order : 23.8.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

The contempt petition has been filed alleging that despite interim stay order of this Court dt. 19.1.2004 in Writ Petition No. 224/2004 directing maintenance of status quo with respect to Annexure-7 therein, the promotions have been made ignoring Annexure C-1 dt. 10.12.2003. It may be mentioned here that this Annexure C-1 is the same document being Annexure-7 in Writ Petition No. 224/2004.

I have considered the submission, and find that a look at the interim order dt. 19.1.2004 shows that, that day the writ petition was simply ordered to be connected with Writ Petition No. 4282/2002, and while ordering to be listed after service is effected in that writ petition, and till then status quo with respect to Annexure-7 was ordered

to be maintained. According to the respondent that Writ No. 4282/2002 has already been dismissed as infructuous vide order dt. 5.1.2006 observing that in view of the order dt. 10.12.2003 (present Annexure C-1) the grievance of the petitioner therein stands redressed. In that view of the matter, the controversy about sustainability of the order dt. 10.12.2003 is to be examined in Writ Petition No. 224/2004 which is under challenge in the said writ petition.

Then, coming to the question about disobedience of the order dt. 19.1.2004, suffice it to say that the order was made effective till service is effected in Writ Petition No. 4282/2002. The promotions are said to have been made on 18.3.2005. A look at the Writ Petition No. 224/2004 shows that after 19.1.2004, it was on 15.7.2004 that notices were ordered to be issued on unserved respondents. Then, after several adjournments, vide order dt. 18.5.2006, the writ petition was admitted, but then that interim order dt. 19.1.2004 was never extended. In that view of the matter the question required to be seen is, as to whether the promotions are made before service is effected in Writ Petition No. 4282/2002. In this regard, it would suffice to say, firstly, that there is no averment in the contempt petition, that the promotions were made before completion of service in Writ Petition No. 4282/2002. That apart without standing to technicalities I requisitioned the file of Writ No. 4282/2002, and from perusal thereof I

find that the Registry has noted on 27.2.2004 about completion of service of all the respondents. In that view of the matter, when the order dt. 19.1.2004 passed in Writ Petition No. 224/2004 in any case, did not continue after 27.2.2004, as such the action of the contemner cannot be said to be tantamounting to willful disobedience of the order of this Court dt. 19.1.2004.

Consequently, no contempt is made out. The contempt petition is dismissed, and the notices issued are discharged.

(N P GUPTA),J.

/Sushil/